

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
RICHARD MARTINO

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
-----X

AMON, Chief United States District Judge.

NOT FOR PUBLICATION

ORDER

07-cv-4159 (CBA)

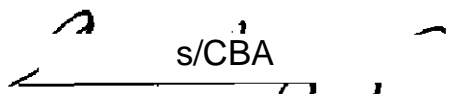
On June 17, 2011, the Court denied Richard Martino's 28 U.S.C. § 2255 petition on all grounds except for Martino's claim that he should be resentenced because the government breached an unwritten agreement not to use certain facts at sentencing. Martino withdrew this remaining claim on October 11, 2011. Accordingly, Martino's petition is denied in full. Because Martino has failed to make a substantial showing of the denial of a constitutional right, no certificate of appealability shall issue. 28 U.S.C. § 2253(c)(2).

The Clerk of Court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, N.Y.

October 12, 2011


s/CBA
Carol Bagley Amon
Chief United States District Judge